

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

PENNY DAVIS,

Plaintiffs,

vs.

FEDERAL DEPOSIT INSURANCE
 CORPORATION,

Defendant.

Case No. 2:13-cv-01774-GMN-NJK

REPORT & RECOMMENDATION

This matter is before the court on Plaintiff Penny Davis' failure to comply with the Court's Order, Docket No. 3. On September 26, 2013, Plaintiff filed an incomplete Application to Proceed *In Forma Pauperis*, Docket No. 1. Based on the information in the Application, the Court could not determine whether Plaintiff Davis was qualified to proceed *in forma pauperis*. Accordingly, on October 1, 2013, the Court entered an Order, Docket No. 3, denying Plaintiff Davis' Application without prejudice. The Court instructed that if Plaintiff wanted to proceed *in forma pauperis*, she had to fully respond to questions 5 and 8. Additionally, she had to list her home as an asset, indicate the amount due on the home loan, and specify from whom she was receiving the \$66/month contribution she listed in her application. The Court directed the Clerk of Court to mail Plaintiff a new application, and allowed Plaintiff to file a completed application or pay the \$400 filing fee on or before October 31, 2013. *See* Docket No. 3, at 2. The Order advised Plaintiff that failure to comply would result in a recommendation to the District Judge for dismissal. Plaintiff has not complied or requested an extension of time in which to comply.

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1 Accordingly,

2 **IT IS RECOMMENDED** that Plaintiff Davis's Application to Proceed *In Forma Pauperis* be
3 DENIED and this action be DISMISSED without prejudice to the Plaintiffs' ability to commence a new
4 action in which they either pay the appropriate filing fee in full or submit completed applications to proceed
5 *in forma pauperis*.

6 **IT IS FURTHER RECOMMENDED** that the Clerk of the Court enter judgment accordingly.

7 Dated this 5th day of November, 2013.

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10 **NANCY J. KOPPE**
11 **UNITED STATES MAGISTRATE JUDGE**

12 **NOTICE**

13 These findings and recommendations are submitted to the United States District Judge assigned
14 to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days after being
15 served with these findings and recommendations, any party may file written objections with the court.
16 Pursuant to Local Rule of Practice (LR) IB 3-2(a), any party wishing to object to the findings and
17 recommendations of a magistrate judge shall file and serve *specific written objections* together with
18 points and authorities in support of those objections, within fourteen days of the date of service of the
19 findings and recommendations. The document should be captioned "Objections to Magistrate Judge's
20 Findings and Recommendations." The parties are advised that failure to file objections within the
21 specified time may waive the right to appeal the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153
22 (9th Cir. 1991). The points and authorities filed in support of the specific written objections are subject
23 to the page limitations found in LR 7-4.